THE PORT FOLIO,

(NEW SERIES)

BY OLIVER OLDSCHOOL, ESQ.

Various,—that the mind
Of desultory man, studious of change,
And pleas'd with novelty, may be indulg'd.
COWPER.

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ORIGINAL PAPERS.

THE AMERICAN LOUNGER.

BY SAMUEL SAUNTER, ESQ.

No. 165.

MR. SAUNTER,

THE word Pedant was, at one time, the epithet of reproach with which men of the world stigmatized those who distinguished themselves by superior attainments in learning. Until Mr. Addison, in one of his Spectators, full of humour and good sense, displayed its true meaning, it was not perceived that there were pedants in every profession in life, all of whom were more impertinent and disgusting than those who formerly suffered by this appellation. The lover of literature, not less than the critic, was indebted to that elegant writer for giving the proper definition to this abused epithet.

I am of opinion that a like misapprehension exists with regard to the title which you have selected for your papers, and that the name of Lounger is by no means restricted to one class in society, but extends to every profession and situation in life. Have we not the lounging Doctor, whose chair stands waiting at his door, while he, stretched at ease by the fire, leaves his patient a prey to anxiety and disease? The lounging Lawyer, who snores till eleven, while his restless client reiterates his morning calls? The lounging Merchant, who laughs and smokes in jollity till roused at the last moment by the dread of that fearful name, a Protest? The lounging Shop-keeper, who seats himself in the shade on a Summer's day, and reads the Gazette, instead of posting his books? The lounging miss, who slatterns away hours and days in the trash of circulating libraries, while solid reading and useful improvement are neglected? as well as the lounging Saunterer, who whiles away life with a sluggish torpor of mind and body, or the literary Lounger, who lays aside his Coke or Cullen, to indulge in the charms of poesy, or to pen a lucubration for your columns?

I willingly give up all, except the last, to the just severity of satire. But, as Mr. Addison observes of the learned pedant, that he is more tolerable than those of any other class, it may be said of the literary Lounger that he redeems the follies of his family, and, like one virtuous Hypermnestra, out of fifty daughters, atones, in some measure, for the gracelessness of all the rest.

Were I called on to justify this eulogium, I would do it by describing his character at full length. I would say that the literary lounger is one who looks with the fond eye of a lover on the productions of genius, whether of ancient or modern growth. He does not indeed toil in the mazes of Metaphysics, because he believes, with many wise men, that all our efforts here are vain and futile, and the science pregnant with sophistry and error. He does not tie himself down to the cautious and narrow track of Mathematics

because, like Gibbon, he fears to harden his mind, and to destroy those finer feelings of moral evidence which must determine the actions and opinions of our lives. Nor does he labour through gigantic tomes of casuistry, to learn the art of perplexing common sense, and confounding the light of nature. But those who suppose him idle and uninformed err grossly. His mind is stored with the richest fruits of solid and elegant learning. The companions of his privacy are the orators, the historians, the essayists, and the poets, who afford most maxims for the conduct of life, and most topics of conversation. And, when he is not in his study, wandering in the paradise of Milton, or rapt in the fine phrenzy of Shakspeare, his pen embodies the ideas of his own mind, or his tongue delights the social circle by a ceaseless stream of intellect. In a word, he aims at following the shining paths of the Addisons and Johnsons, who, under the veil of indolent or indifferent lookers-on, have been actively employed in delighting and improving mankind.

A mere *Spectator* has refined the morals, softened the manners, and improved the knowledge and language of a whole nation; and has been the source of compositions which have continued to be the admiration of the unlearned, and the model of men of science. A professed *Rambler* has embellished morality, brought the charms of fancy and eloquence to aid the majesty of reason, and taught, in winning words, the path to wisdom and true happiness. And a *Literary Lounger* then only appears to the world in the true features of his character, when he displays his capacity beyond others to employ elegant literature in smoothing the asperities and enlarging the innocent recreations of human life.

Far, therefore, from your name, requiring you, as one of your correspondents alleges, to be stupid and heavy in your compositions, you will approach nearer the perfection of your character, in proportion as you excel in the art of diffusing elegant instruction. And, while the Lounger in manners is, deservedly, as much the object of our abhorrence as a barren waste or a pestilential marsh, your pages will present to us a fertile garden, which affords every thing pleasing to the eye and gratifying to the taste: where we may regale the imagination with the variegated beauties of lawns, groves and flowers, and satisfy the appetite with fruits at the same time delicate and substantial. That you may ever be successful in maintaining this enviable character is the wish of Your friend and admirer, O.

For the Port Folio.

Character of the late Judge Winchester of Maryland.

Finis vitæ ejus nobis luctuosus, amicis tristis, extraneis etiam, ignotisque non sine cura fuit. Vulgus quoque, et hic aliud agens populus, et ventitavêre ad domum, et per fora et circulos locuti sunt. Tac. Vit. Agric.

To the recent and premature death of James Winchester, Esq. late Judge of the United States Court for the district of Maryland, may be applied the language employed by Tacitus, in commemorating the dissolution of Agricola; that it overwhelmed his family with grief, filled his friends with affliction, and even strangers with regret. The tender solicitude which preceded, and the lively sorrow that accompanied this event, among every rank and description of men in his native city, render still more appropriate the passage I have quoted, descriptive of the end of one of the greatest of the Romans, whom he resembled, if not in the nature of his pursuits, at least in the complexion of his virtues, and the pre-eminence of his talents. One of the first objects, and most estimable blessings, of society, is an enlightened and impartial administration of justice. Under a constitution that secures to the judicial department a total exemption from executive control, and with a system of Jurisprudence, perplexed by intricacies, that scarcely any sagacity can unravel, and diffused over a multitude of volumes, that no capacity can digest, a profound lawyer, and an upright judge, the depositary, the oracle, and the guardian of our rights, is a character, the importance and utility of

whose functions are only equalled by the consummate skill and religious fidelity with which they should be discharged. The loss therefore of one who combined these qualities in an eminent degree, at an age when the plurality of his brethren are barely in their noviciate, whose extraordinary powers would have exalted the dignity of the bench, and whose indefatigable application would have done justice to those powers, must be regarded as a public calamity, and becomes, not merely a subject of domestic regret, but of deep national concern. As a district Judge, the extent of his abilities could not be diffusively known, or the beneficial influence of his labours generally felt. The following sketch of his private and professional character may serve to apprize such as were beyond his sphere of action, of the magnitude of the loss which this country has sustained. Had he not fallen an untimely but patient victim to a lingering disease, the period could not have been far distant, when the public voice would have rendered private testimony altogether superfluous. His personal acquaintance must find every delineation faint, when contrasted with that speaking portrait, which will be long, and often, present to their recollection. Nature has herself reared a temple in the heart of man, that of memory; where admiration and tenderness, with an unerring pencil, continually trace the resemblance, and erect altars to the personification of those whom we have venerated for their genius, or loved for their virtues.

Without the aid of powerful connexions, of extensive personal intercourse, or of fortune, Mr. Winchester had no sooner engaged in the warfare of the bar, than he began to reap the most abundant fruits of victory. Before the age of twenty-five, he became the first hope, and, in some degree, the adopted child, of a populous city; his professional services were courted with an avidity, and his engagements multiplied to an extent, almost without example in the annals of his order; he became, in every cause of magnitude, the chosen antagonist and formidable rival of one for whom, as a lawyer, no praise can be deemed flattery, and no admiration, extravagance. He was soon after prevailed upon, by a large proportion of the most respectable citizens of Baltimore, to serve as the federal candidate for Congress, in opposition to the most popular character of this state; the issue of this struggle, and the merit of his exertions, both in speaking and writing, are too well known to need repetition: had he succeeded, the active duties of a public life might have, perhaps, invigorated a feeble constitution, and prolonged a valuable existence. The uncommon rapidity of these advances to wealth and reputation tends to prove how admirable must have been the qualities to which they were exclusively due, and will serve to justify any unusual strength of expression that may be employed, in portraying the leading features of his mind.

He may be said to have appeared at the bar as Pallas is represented to have sprung from the head of Jupiter; armed at all points. Passing, as he did, without any interval of studious privacy, from the drudgery of an office, to the numerous avocations of an extensive practice, the enlargement of his views, the depth of his professional, and the amplitude of his general learning, the success with which he appeared to have traced the origin, the progress, and the revolutions of jurisprudence, to have seized the spirit, and extracted the essence of law, would scarcely seem credible, had not experience so often shewn how much can be accomplished by great powers, stedfastly and vigorously directed to the attainment of knowledge. Minds of the "true etherial mould" possess a ductility of thought, which enables them to prosecute, with equal ease and profit, studies of the most dissimilar texture; to classify the abundant treasures that a prompt conception accumulates from each, and arrange them, without confusion, in the storehouse of a capacious memory. Where merit can force its way, without being led on by the gentle hand of power, there are no difficulties which genius

may not overcome; a sanguine and enterprizing temper may bid defiance to the contumely of pride, to the frowns of fortune, and even to the languors of disease: the vigilance of emulous industry, will, in any situation, discover and "mark down for wisdom," for many hours set apart, by the bulk of mankind, for innocent relaxation, or what is termed necessary repose.

Few men were ever more consummately skilled than Mr. Winchester in legal tactics, or more profoundly versed in the evolutions and stratagems of his art: none knew better when to advance openly to attack, or to have recourse to the ambush, the covered road, and the secret defile: no man was more formidable in close contest, and if I may be allowed the expression, in the skirmishing of the bar. He never came to the field, without a well-marshalled band of ideas; without a preconcerted plan, embracing all the possibilities of annoyance, and every precaution for defence: he never permitted a movement to pass unobserved, or a single error to escape him: nor ever lost the ground he had once seized, or the conquests he had once made. He was sensible, that in the hostilities of the forum, the character, the resources, and the play of an adversary should be fully undersood: that not a single glance of the eye, not a motion of the countenance should be lost; not a phrase uttered, without noting its effect. The general benevolence which his reputation for diligence and probity had conciliated, the exalted opinion universally entertained of his talents, and the insinuation of his address, contributed to give him a degree of adventitious influence over a jury, which few advocates of the same age ever enjoyed before. These important advantages were seconded by great accuracy of method, and cogency of argument, united to all the refinements of ingenuity; by the captivations of a good person, of a graceful and appropriate gesture, and of a sonorous voice, not indeed carefully modulated, but susceptible of all the varieties of musical cadence. He well knew how to heighten their effect, by the frequent application of familiar examples, that are heard with pleasure, because they are comprehended with ease; by a seasonable introduction of general observations, and topics of equity, which nature always disposes us to foster with delight, when interest or passion has not barred up the avenues of the heart; by dexterous appeals to feelings, that are the more readily indulged, because the consciousness of possessing them is flattering to self-love, and because, perhaps, the most delicate and grateful of all our perceptions is that of proving even a momentary glow of sensibility. The efficacy of such aids demonstrates how assiduously a lawyer should study the miscellaneous volume of the human heart. He should indeed be a very Proteus, and capable of assuming as great a variety of shapes as there are modes of thinking, grades of intellect, or shades of character. He should attend to the effect of contrast, which nature appears to have rendered essential to beauty in all her works, with the diligence of a common artist, and recollect that, although a speech should be cast in a simple mould, and not form a piece of Mosaic, to constitute, nevertheless, an harmonious whole, there must be a species of *concordia discors*, an admixture of opposite materials, a careful adjustment of parts, similar to the *clara obscura*, the distribution of light and shade, in painting, or to the *piano-forte*, the opposition of sounds, in music.

Mr. Winchester particularly excelled in a luminous exposition of his subject. His narratives were always conspicuous for that peculiar symmetry of arrangement, concinnity of diction, simplicity of definition, and neatness of periphrase, which distinguished those of Blackstone and Mansfield, who merit, with regard to the jurisprudence of England, the eulogium pronounced by Gibbon, on the labours of Servius Sulpicius, in favor of the Roman Code; that he was the first civilian that diffused over the shapeless mass of the law, the light of order and eloquence. There are few qualifications of higher

importance at the bar, than the talent of narration, and scarcely any, in which the speakers of the present day are more grossly deficient. To state a case in the most forceful manner requires no small dexterity of management, and nicety of execution. The historian of his cause should be both succinct, which is to discard every extraneous idea, and concise, which is to reject every superfluous word, to avoid circumlocution, to select the most appropriate and energetic terms. Policy frequently renders it advisable for him, to affect concealment, where it is most important to have the fullest disclosure; to shade particular facts, but in such a manner, that the veil may be transparent; to let in upon others only a measured portion of light, so that they may be but dimly seen, or viewed obscurely, as we descry an object by the glimmering of the stars.

Sublustrique aliquid dant cernere noctis in umbra.

These artifices are, however, of little avail; if they be not themselves completely invisible. They are only tolerated, as theft was admitted at Lacedæmon: The unskilful, besides the humiliation of miscarriage, must undergo penalties of guilt. Brevity and perspicuity are the two leading traits of an able statement, and they exact the same conditions. When a case is but imperfectly understood, it is often ascribable, less to the obscurity, than to the length of the narration. Whatever does not help to elucidate, or give additional interest, must weaken the general impression. *Quidquid non juvat, obstat.* No circumstances are to be pressed foward, which must, from the context, be already known, or easily divined: none to be unnessarily repeated, or introduced but in their proper place and natural order.

The arrangement of words in a discourse, is to the ear what colours are to the eye in painting. The reputation of a lawyer must greatly depend upon a fluent and copious elocution. In this respect, Nature left nothing undone for Mr. Winchester; but the materials he received were not wrought upon with a degree of care and labor suitable to their excellence. His style was of that order, to which Cicero allots the third place in his scale of diction; pure, clear and elegant; not deficient, either in strength, or beauty, or novelty of expression; with too much sobriety of ornament, however, and temperance of manner, for one who ought to have aspired to the fame of an orator. His feelings were ardent, and, when roused, they transfused a considerable share of their warmth into his language, and his gesture. But in general, there was not much of the penetrative fire of sentiment, or the enthusiastic glow of imagination: no foaming eddies, no impassioned tones, no magnificient figures, no vivid hues, nothing elaborate in the structure, rapid in the current, or majestic in the march, of his periods. In neglecting the more lofty flights, or striking attitudes of language, he was probably influenced, not by any dread of the persevering toil requisite for their attainment, but by an opinion generally received, and industriously propagated, because it serves as an opiate to indolence, and a consolation to sterility, that they are repugnant to the good sense, and adverse to the spirit, of a modern Court of Justice. If we had not the authority of history, and the example of some of our contempories, to prove, that the utmost perfection, in the mechanism of oratory, is not incompatible with depth of knowledge and solidity of reasoning; were mankind no longer subject to the influence of the imagination, or to the delusions of the heart; if courts and juries were exclusively occupied with statutes and precedents, courses and distances; if a lawyer had no other verdict to stimulate his exertions than that of the sheriff's pannel, no other recompence than his fee, no other theatre for an exhibition of capacity than the forum, our youth would perhaps do well to trample on all the ornaments of Rhetoric; to assimilate their language, as nearly as possible, to the bald idiom of algebra; to cultivate

monotony as a tribute to pure intelligence. But such is not the case.—The Law, although a mysterious science, is not merely a profitable trade. We worship the Goddess of Fame, and she is not a divinity, to be propitiated by a special plea, however technically accurate; she is not to be addressed in the style of a declaration; she requires wreaths of flowers, culled with tase, and interwoven with skill: votive offerings to be laid on her altars, and the luminous digression of a pregnant and vigorous mind, the warm effusions of a feeling heart, the brilliant gleams of a vivid imagination. The profession of the law is, in this country, a seminary of legislators. They need not be told of what importance are the arts of speech to the satisfactory discharge of their duty, and to their political advancement. In popular governments, eloquence speaks the language of a monarch; every where else, that of a courtier.

I do not demand the *Roman* orator, such as he who best realized the picture describes him, combining almost every quality that can serve to exalt the dignity of the human understanding:—the subtlety of the dialectician, the erudition of the philosopher, the memory of the jurist, the fancy and language of the poet, the voice and gesture of the tragedian. *In oratori, acumen dialecticorum, sententiæ philosophorum, verba prope poetarum, memoria jurisconsultorum, vox tragœdorum, gestus pæne summorum actorum.*—He sunk into the same tomb with Cicero, as, in the departments of the painter, the statuary, and perhaps of the musician, we have seen many noble imitations, but nothing that has, as yet, rivalled the perfection of the original. With our present feelings and habits, it would be folly to recommend, and credulity to expect, the unqualified adoption of those arts, by which the prodigies of ancient eloquence were effectuated. That "*Olympian thunder*," which threw all Greece into a ferment, which dislocated the frame of empires which shook the solid structure of the Macedonian power to its deepest foundations, which made Philip tremble in the midst of his redoubtable phalanx, is to be forged in a higher and brighter region than the dun atmosphere of a lawyer's office. The *children of heroes*, as the orators of Athens were emphatically denominated, must be formed in some other school. But, although the age of heroism be past, we may still aim at the exploits of men. If we cannot enjoy the majesty and pomp of the Dorian harmony, we still retain the piercing and pathetic tones of the Lydian. The violent convulsions and the excruciating agonies, exhibited in the group of Laocoon, infuse terror, and kindle all the enthusiasm of admiration; the mild languor expressed in the attitude, and diffused over the countenance, of the Dying Gladiator, awakens feelings less sublime, but scarcely less powerful—the throbs of tender distress; "the swellings of the softened heart." Neither the vices, nor the crimes, nor the passions, nor the miseries, nor the sensibilities of mankind are yet extinguished. They lay open an ample field to one who would have the diligence to watch, the courage to seize, and the skill to improve, the concurrence of opportunity. The speaker may still indulge, without restraint, the most lively feelings of a compassionate nature, the warmest language of passion, the most exquisite pathos of a high-wrought peroration; but not until, by a species of enchantment, like that of the magic wand of Harlequin, he has chained down the minds of his auditory to one posture; while he has them in the same state of tension, and attuned them in unison with his own; until the electric shock is felt, and communicated; until they have caught his infectious ardor, and glow with all the fervor of the subject. When the eye of benevolence begins to sparkle, the tear of compassion to roll, or the murmur of indignation to be heard, he is released from his shackles, he has no longer any thing to fear: he may then, as it were, throw himself into the crowd; he then no longer appears to give, but to follow, the impulse; no longer to be hurried away by the im-

petuosity of his own feelings, but by the tumultuous passions of his audience, and by thus incorporating himself with them, by this action and reaction, his victory is secure, his triumph becomes complete.

The increasing infirmities of a debilitated frame compelled Mr. Winchester, before the age of thirty, to relinquish the exercises of the Bar, for the less oppressive, though arduous, duties of the Bench. The prominence of merit served as his recommendation, not the artifices of intrigue, or the prejudices of political communion. He entered upon his station, deeply impressed with its awful importance, fortified by a just reliance on his own powers, and animated by the pleasing consciousness of possessing the esteem and confidence of his former associates. The first qualification we usually demand in a judge, is *legal* capacity. I can scarcely conceive a more noxious, and at the same time a more miserable being, than one ignorant of the law, which he undertakes to expound. If his motive for embracing a charge to which he feels himself incompetent be the cupidity of gain, he begins by prostituting the most august of all functions to the most despicable of all passions. If his ambition prompt him to assume a character which his presumption leads him to suppose he may fulfil, he merits the fate that rewarded the rashnes of Uzza, for stretching forth a feeble and unhallowed hand, to uphold the ark of the Lord. Instead of being a priest of justice, regularly initiated, and deputed, like the Roman Vestal, or the Persian Magus, to watch over the perpetuity of the sacred flame, he is a sacrilegious intruder, that prophanes the temple, and dishonors the ministry. To disentangle the intricacies, to apply the principles, to extend the consequences, to reconcile the contradictions, and to elucidate the spirit of a vast and irregular code, are the daily duties of his office, for which no elevation of genius, or depth of penetration, can singly qualify him; but, on the contrary, the very lights that would enable him to tread with security and satisfaction, in any other path, in this may only serve to lead him astray. Without the torch of *legal science* he must be forever involved in darkness and perplexity. He will be compelled to select, as guides, those whose tract it was his duty to illuminate, but whose interest it is to mislead him; and whom, instead of wielding, as auxiliary troops, in his crusade against sophistry and chicane, he converts into insidious enemies, or merciless tyrants. Conscious of his impotency, his mind must either continually oscillate like a pendulum, or be open to the dominion of every usurper. He can never dare to trust himself beyond the narrow circle of his own experience, lest he should fall at every step, nor ever go right, without having reason to fear that he may be wrong. Should he adopt that intrepidity of decision, which belongs almost exclusively to ignorance, and attempt to cut the Gordian knot, that he is too inexpert to unravel, his temerity is criminal, although crowned with success, and the adjudication, as it passes from his lips, can never fail to impregnate them with all the bitterness of unavailing regret. Who, then, can be surprised at the spectacle which our courts so often exhibit, if the brows of the magistrate, instead of a laurel-wreath, should often appear to be pressed by a crown of thorns; if, instead of the mild joy and modest elation of a legitimate sovereign on his throne, he should display on the bench the shame and confusion of a fraudulent and timid usurper; instead of the cheerful alacrity, but pious solicitude, of an able general in the field of battle, the gloom and hesitation of a galley-slave, dragging, with sullen reluctance, the insupportable weight of his chain; if, instead of carrying up with him to the judgment-seat, the simplicity of truth, the composure of philosophy, the wisdom of the law, and the disinterestedness of justice, the characteristic virtues of the judge should be banished, to give visible activity to the grosser passions of the man; if, making those passions the measure of his interest, and his interest the measure of his duty, he should rest satisfied, in committing his decisions to the

sallies of caprice, the fluctuations of chance, or the variations of every wind of doctrine; if, perhaps dead to the pains of reflection, and blind to the finger of scorn, he should make the bench a place of careless repose, and seem to consider the hours slumbered away in court, as so much time sacrificed to the enlargement of his income, but stolen from the avocations of pleasure, or the engagements of business; if the dissipation of mind, depicted in this vacancy of his countenance, should destroy the confidence of the litigant, and palsy the exertions of the advocate; if, in fine, his inaction should be a subject of ridicule, and his exertion of contempt.

The range of Mr. Winchester's general enquiries, and notwithstanding his youth, the maturity of his judgment, particularly fitted him to preside in a tribunal which, possessing an equitable jurisdiction, admits of more latitude of discussion than a mere court of common law, and must be guided, in a certain degree, by the conclusions of an enlightened reason, the prolegomena of every code, and the ground-work of the morality of all nations. To the qualities usually incident to his situation, the judge of such a court has to unite those of a legislator: the same prophetic sagacity, excursive views, and patient force of thought. He should understand Law, as it is, or ought to be, a body of general and systematic equity, each department of which has its fundamental principles all terminating, like radii from the same circumference, in one common centre. It is these principles, and their mutual dependence, that he should thoroughly comprehend; it is to this centre that he should be able to trace all his determinations. To extend the benefits of justice to cases of much variety and intricacy of detail, he should have contemplated this august Divinity, in her native proportions, and listened to her dictates, without the intervention of man. His circumspection should increase with his responsibility. In the investigation of a cause, it is his duty to weigh well every circumstance; to scrutinize every motive; to leave no point of view unessayed: to distrust the promptitude of his apprehension, lest he should be dazzled by the first ray of light that beams upon him; the depth of his penetration, lest he should stop short at the surface; the nicety of his discrimination, lest he should be misled into the refinements of subtlety. He should keep a strict watch over his imagination, for fear of a triumph over his reason.—Even his love of justice may prove a source of error.—The heart may sometimes be too precipitate for the judgment. The intemperate ardor of his feelings may hurry him into an act of injustice.—He has to guard, therefore, not merely against the gross seductions of interest, and the malignity of resentment, but against the bias of affections and the prejudices of virtue. The Ancients, in portraying Themis, with a bandage over her eyes, and a balance in her hand, present a fine idea of the true character of a Judge. There is another image, which I would incessantly offer to his contemplation; that of the first Brutus, pronouncing sentence of death on his sons, imbruing his hands in the blood of his own children, as an atonement to the violated justice of his country! or the venerable form of Papinian, presenting to Caracalla, the imperial fratricide, that judicial anathema, which was to serve as a warrant for his immediate execution.

Those who knew Mr. Winchester will recollect how admirably he fulfilled the obligations and surmounted the difficulties of his station. Always scrupulously delicate, rigidly impartial, and indefatigably laborious, the tenor of his judicial deportment was uniformly such as to give credit to probity, and additional weight to the laws. He was remarkable for the success with which he maintained the dignity of the bench, and the privileges of the bar. Respect to both must greatly conduce to their mutual integrity. A Judge does well to arrest that profusion of wanton invective, and those indecent altercations at the bar, which not only wound the delicacy of virtue, but even, if I may be allowed the expression, offend the decorum of vice:

Sceptrum tenens mollitque animas et temperat iras.

to throw the ægis of his talents over a timid or illiterate witness, in order to preserve some kind of equipoise between the attack and the defence: to correct those ruinous delays, which often make the cost of the pursuit more than the value of the prize; which despoil the vanquished, without benefitting the victor, and only serve to augment the preponderance of the rich, and embitter the miseries of the poor. But, in circumscribing the bar within what he may deem the bounds of moderation, he must be careful not to transcend the limits of his own authority. As long as they do no more than exercise that freedom of enquiry which is an essential attribute of their profession, he owes them the most patient and undiverted attention. In the warmth of his zeal, to "break the grinders of the oppressor, and pluck the prey from his mouth," he is still to recollect, that his province is to act, not as counsel, but as judge; the most absolute necessity can alone justify an interference in the conduct of their cause; much less should that interference arise from the secret bias of partiality, the fretfulness of impatience, or the ostentation of prurient learning.

In the practical skill of Mr. Winchester the counsel found a sure remedy; for inexperience of the minute and technical details of business, the client, for the deficiencies of his counsel, an ample substitute; the rapid and just perception of his judge: no veteran pleader possessed a more thorough acquaintance, with the *homonymiæ* and *antinomiæ*, the cases of repetition and opposition, that swell the magnitude, and destroy the harmony of the law, or distinguished with more promptitude those subtle elements, that determine their precise character, and so easily elude the search of a common vision. Not satisfied with what the labor of his youth had amassed, or trusting merely to the additional stores which experience might yield, he devoted to solitary application, most of the hours unoccupied by the duties of his office. He was convinced, as every lawyer must be, that his education terminates only with his life; that, in the law, as in the quadrature of the circle, and the infinite series of the mathematician, there is a continual approximation to, without ever attaining the object in view; that the most learned judge is, at best, but a student, and that, whatever may be his age, or his capacity, he is still far removed from the entire possession of that stock of knowledge which his profession can furnish, or which even its daily exigencies may require. His private life was as exemplary as his public was beneficial. His humanity, in both, would have eminently fitted him to be of that celebrated tribunal, which proscribed one of its members, for having crushed a bird that sought refuge in his bosom. His deportment was uniformly modest, without reserve, cheerful without levity, and grave without arrogance. Always affable and instructive, his company was sought with eagerness, and never left without regret. His heart must have continually whispered to him, even in the agonies of expiration, that consoling language which the Scripture puts in the mouth of a righteous judge, as an antidote to the anguish of pain and the treachery of hope: "Because the ear heard, therefore it blessed me: the eye also saw, therefore it bare testimony for me. I was a father to the poor. I put on righteousness, and it clothed me, like a robe; my justice was also a diadem."

His memory will be long cherished, and the benefit of his example, I hope, long felt, by the gentlemen of the bar, with whom he lived in the strictest union, and most cordial friendship. When such talents and virtues arise among them, they diffuse a lustre over the profession, which extends even to the lowest of its members: a ray of professional glory illuminates every individual. In proportion to the warmth with which they reverence, and the fidelity with which they imitate, so illustrious an example, will be the degree of public esteem, attached to their character. To preserve it from contempt and degradation, it is incumbent upon them to watch over their indi-

vidual fame, with all the jealous sensibility of honor; because when a public body is once indifferent about the infamy of its members, that infamy must soon become general. Their virtues are possessed *in solidum;* their vices will be equally so, unless openly and honestly discountenanced. Honor should be the informing soul, the great spring of action, with a class of citizens, whose functions are of the most exalted nature, whose existence is, in some manner, built upon public confidence, and in the discharge of whose duty every thing is confidential. Their relative position demands much reciprocal confidence, for which they have no other guarantee than a punctilious regard to good faith, bottomed, if possible, upon the *solid rock* of virtue, but where it cannot be supposed to exist, upon the operative dread of shame. Self-interest points out to them the necessity of rendering this foundation secure. Their mutual communications should be exempt from every feeling of disquietude, and every suspicion of infidelity; otherwise, they must become a source of dissension and disgust, instead of being "the ark of their covenant," the basis of a delightful intercourse, and the cement of an indissoluble union. Let the moral and intellectual qualifications of the student be *seriously* and vigilantly scrutinized prior to his initiation: let him be taught to believe that he is to belong to an order of men, who, conscious of being set apart from the rest of mankind, as the depositaries of their fortunes, of their best interests, of their most important secrets, and often of their lives and their honor, acknowledge and venerate the sublimity of their vocation; who view their employments as, in some respects, analogous to those of the angels, that officiate around the throne of the Most High; and who, therefore, expect them to be discharged, with almost the same sanctity of character and purity of zeal: who estimate the integrity of their fame more than the augmentation of their wealth, and who are therefore scrupulously nice in their ideas of decorum, and inflexibly rigid in stigmatizing even the most trivial impropriety; an order of men, who regard it as their habitual ministry, who feel emulation without envy, and practice competition without jealousy; to espouse the interests, but regret the intemperance, of the suitor; to deliberate with coolness on what is to be defended with warmth; to preserve mutual concord in the midst of daily contentions; to be always rivals, never enemies; always jealous, never passionate; always circumspect, never distrustful; who never confound violence with zeal, energy with invective, ingenuity with chicane, asperity with force, or calumny with reprehension. By instituting a system of discipline, calculated to infuse these opinions, and to secure them, at least, outward respect, they might, perhaps, succeed in kindling that enthusiasm of honour which may now appear a ridiculous chimera: like the ideal models of Plato, the eternal archetypes of the mind, the bright visions of imagery, might possibly conduce to the attainment of much practical perfection; panegyrics on the dignity of their character would become something more than empty declamation, and the profession of the law might be purged of those impurities which now debase its excellence, and tarnish its lustre.

For the Port Folio.

The Prussian minister at the court of London has transmitted to Doctor Rush, of this city, by order of the King of Prussia, a gold medal, as an acknowledgment of the high sense entertained by the Royal medical college of Berlin, of the Doctor's answers to certain questions proposed to him, and of several of his publications on the cause, method of preventing, and cure, of the yellow fever.

Dr. REES'S CYCLOPÆDIA.

The first half Volume of this valuable Work is just published by Mr. Samuel F. Bradford, and we are happy to perceive that it is, on the whole, much superior to the London edition. The

plates are admirably engraved, and the typographical part is executed with great care and neatness.

The second half Volume is now in the Press; which will receive additional beauty from the use of a brilliant unchangeable Ink, lately brought to perfection by Mr. Watts. If the first half volume had been printed with good Ink, we might have pronounced it one of the handsomest specimens of typography produced in this country.

For the Port Folio.

MISCELLANY.

Philadelphia, April 7th, 1806.

MR. OLDSCHOOL,

As the editor of a work which sometimes reviews the drama, you have, perhaps, noticed the advertisement of a new play, called the *Fox Chase*, and written by a resident of Philadelphia. Few dramatic compositions have been hitherto produced in America; yet these few have, for the most part, been issued into notice under very inauspicious circumstances. Partly from the original disappointment of public expectation, and partly from the contagion of fashion, a prejudice (perhaps I use too strong a term) has arisen against the very mention of an American play, the exhibition of which is attended, not with hopes of entertainment, but rather with sentiments of compassion. I can feel little pride in experiencing the good nature of a friend, without possessing the consent of his judgment. Of the good wishes of an American audience an American is ever sure. Clemency is a prominent feature in their character; and if they do not approve, they seldom *collectively* condemn. To earn the approbation of their judgments is a task more difficult: Some wrong impressions seem a serious obstacle to the success of the author, and sink him in their estimation, not from fancied eminence (for to eminence he does not aspire), but from a modest mediocrity, into a being entitled to their commiseration.

You will, no doubt, admit a few of my remarks on another point, when you are told my alarm, after having directed all my efforts toward an imitation of the *Modern Comedy*, to find this species of the drama condemned. In the Port-Folio of Saturday last an article appeared, which has much depressed my hopes, and the more so as it seems strengthened by the pen of so judicious and so pleasing a writer as Goldsmith. With his judgment in general I cannot sufficiently accord, but in the present instance I lament a wide difference of opinion. Allow me, then, to urge against his authority that of writers whose taste is equally respected—and against his arguments occasional ones of my own. Congreve, I doubt not, "never dreamt of a comic muse in mourning," but I doubt whether his dramas are, therefore, the more rational. Johnson, speaking of his Old Bachelor, says: "The dialogue is one constant reciprocation of conceits or flashes of wit, in which nothing flows necessarily from the occasion, or is dictated by nature." And he remarks generally on this play, that "his schemes exhibit not much of humour, imagery, or passion; his persons are a kind of intellectual gladiators; every sentence is toward or strike; his wit is a meteor playing to and fro with alternate coruscations." This attention to brilliant conceits, and to brilliant conceits only, tends to destroy all discrimination of character, and though it may of itself unfold the author's wit, something more is necessary to convince us of his insight into human nature. And here, perhaps, we may discover the difference between the old and the new comedy:* the former may be considered as the vehicle of studied *bon mot* and formal *repartee*, the latter of occasionally humorous and occasionally serious instruction. The author of the old exerts his genius to make all his characters epigrammatists; the author of the new, to make one part of *his*, representations of the follies of mankind, and one part, of their vices and misfortunes. In truth, the old comedy, for the most part, represents a club of wits assembled together to outvie one another—to its personages may be applied what a writer has remarked on the character of Garth's poem, that "what any one says might with equal propriety be said by another." As to Cibber, I cannot conceive that any one of his comedies (the Non-Juror excepted) could preserve his memory—'twas Pope, who immortalised him in the Dunciad. I have not a Horace at hand, and therefore cannot refer to the particular verses; but if my memory is correct, in some part of his Ars Poetica he sanctions with his voice an admission of the comic and serious into the same piece. But we are told, that "as Tragedy displays the calamities of the great, so Comedy should excite our laughter by ridiculing and exhibiting the follies of the lower part of mankind"—that "the distresses of the mean by no means affect us as strongly as the calamities of the great;" that "while we melt for Belisarius, we scarce give halfpence to the beggar who accosts us in the street. The one has our pity, the other our contempt." Is it then with the great only we can sympathise—persons whose lives and habits are so far remote from common eyes as to fall within observation, only when exhibited on the stage? Can their distresses command our tears, while the misfortunes of persons of the same grades in society with ourselves, whose habits and manners are

* I confine my remarks to English Comedy.

our own, cannot move our feelings? Shall we feel less at an honest man being turned out of a counting-house, where on his employ the whole subsistence of his family depended, than when an honest minister is turned out of office? Shall we exclude our pity with the illiberal thought, that it is a *tradesman* who claims it? Who will, who can, in reading the tragi-comedy, the Benevolent Hebrew, guard his feelings with such a cold, ungenerous reflection? It is said too, that "humour at present seems to be departing from the stage." The *School for Scandal*, *School of Reform*, *Speed the Plough*, *the Poor Gentleman*, and many, many other modern comedies disprove this assertion. But, beside humour, the new comedy aims to preserve decency and to touch the heart, a consideration, too little regarded by the old. "To deck out the hero with a ribband, or give the heroine a title, then to put an insipid dialogue, without character or humour, into their mouths," are expedients not more common to the modern than to the ancient; though I must allow the former only is liable to "a pathetic act or melancholy conversation." Johnson, however, fully approves occasional scenes of the "melancholy" kind, as will appear in the following quotation from his Rambler, No. 156. "I know not," says he, "whether he who professes to regard no other laws but those of nature will not be inclined to receive tragi-comedy to his protection, whom, however generally condemned, her own laurels have hitherto shaded from the fulminations of criticism. For what is there in the mingled drama which reason can condemn? The connexion of important with trivial incidents, since it is not only common but perpetual in the world, may surely be allowed upon the stage, which pretends only to be the mirror of life. The impropriety of suppressing passions before we have raised them to the intended agitation, and of diverting the expectation for an event which we keep suspended only to raise it, may be speciously urged. But will not experience show this objection to be rather subtle than just? Is it not certain that the tragic and comic affections have been moved alternately with equal force, and that no plays have oftener filled the eye with tears, and the breast with palpitation, than those which are variegated with interludes of mirth?" I cannot conclude the subject more safely than with the above dispassionate reasoning of so eminent a critic. May I be permitted to hope, Sir, that if you condescend to notice my production, in pointing out its faults, you will make allowance for the inexperience of a young writer; and in exposing its evil tendencies, if any, you will attribute them to inadvertence, not design.

I am, Sir,
With much respect,
Your obd't servant,
THE AUTHOR.

For the Port Folio.

MR. OLDSCHOOL,

In examining the fourth number of your new and highly interesting series, I read a piece containing sentiments which, as far as they extend, are in perfect unison with my own. But every one must perceive that the tendency of the production is to lop away the feeble and comparatively inoffensive germs of an alarming evil, while the noxious trunk remains unassailed. Says the Lounger, "I require of no man more than probity requires." "Let him speak the truth, and keep his word, and I have nothing to say." With the Lounger, in this place, I cannot rest. Virtue is a genus, of which truth is a species; to demand a tribute for the one, while the other is unnoticed, would be an absurdity in ethics. For the preservation of consistency (I suppose), he afterwards observes, that he is "not disposed to give precepts of too circumscribing a nature." And adds, "I think much harm is done to morals by a minute, vexatious, and I may say impertinent interference." My disposition is not marked with monkish austerity, nor with that illiberality of sentiment which disgraces the different sectaries of religion; yet I cannot remain silent and unconcerned, when I see a man who has been guilty of the most criminal indulgences, and whose only merit is, that he has not published them to the world. I can look with an indulgent eye at this slight aberration of youth from the rigid rules of prudence, and the path of rectitude. For I can recognize that we were once all young; that we had our amusements, and our pleasures; "I can remember such things now, and that they were most dear to me." The principle which the Lounger is assiduous to inculcate, is that of secrecy in those young men who have passed moments of rapturous emotion, in tender dalliance with the other sex. To this point he calls upon their honour, and that sacred love of truth, which every individual ought to cherish and cultivate. Although any one who has checquered the once spotless innocence of a female mind, by the trite arts of systematic seduction, would be base, would be villanous indeed, to betray the secret, yet it is problematical whether the cause of chastity is aided, by enforcing the principle of the Lounger.

It is evident that females are deprived of indulging the natural impulse, by that love of character without which this world is to them a lively emblem of future woe.

If it was universally the custom of young men never to reveal their victories in the petty skirmishes of Venus, it is clear that the danger of a female's losing her character, by an imprudence of this serious nature, would be much less than what it now is; and of course that her inducement to abstain from the pleasing contact would be dimi-

nished in the same proportion. The plain inference is, therefore, that intercourses of this kind would be much more frequent.

But, waving all ideas of the policy of an impression of this kind upon the minds of young men, and even admitting that such an impression would be followed by a favorable effect, still, I say, the Lounger does not begin in the right place. He should have struck at the roots of this Bohan Upas, and then, by its eradication, "each small annexment, petty consequence, would attend the boisterous ruin." The Lounger, by inculcating simply an adherence to our engagements on such occasions, or by making that alone the burden of his dissertation, admits by implication that the mere act of seduction is in itself inoffensive to the laws of morality. In charity for his moral sentiments, we cannot but allow that this is wide of his intention. But if an assassin, in lecturing his compeers, should urge to them the injustice, and dishonour, of rifling the pocket of those unhappy victims, whom they had bereaved of their existence, would they not, judging from the discourse, conclude that assassination was in itself right; or at least an act of indifference? By parity of reasoning, would not the young lecher draw the same inferences, mutatis mutandis?

It is to be wished that endeavours to restrain young men from the practice of seductive arts were at once more frequent and more cogent. We all look up to the Arbitrii Elegantiarum, who wield in a great measure the sceptre of public opinion, and who ought to be the watchful guardians of their country's morals, to pour down the general censure upon this encreasing and alarming vice. We know from experience that a sense of honour is no restraint. Honour in the mouths of most people is Vox et præterea nihil. If honour, where its laws are understood, will sanction and give rein to the most malignant and bloody passions of our nature, as in duelling, it certainly can afford no restraint upon seduction, where the crime is considered as comparatively small, and where the passions are almost equally engaged. Virtue itself can hardly withstand the salt and fiery passions of mankind. Unhappily for the human race, a wide distinction has obtained between honour and virtue; a distinction clothed with miseries of every description. The virtuous man is subservient to the precepts of that God, the "rustling of whose attire causeth lightning and earthquake; while the shadow of his garment blotteth out the sun." The man of honour subjects himself to the capricious dogmas of a part of his fellow creatures. He freely sacrifices his own sentiments, the happiness of his friends and dearest relatives, together with his own life, on the blood-stained altar of public opinion. I cordially concur with every good man in the utmost detestation of the practice of duelling; yet the difference between duelling and seduction, in point of deliberate wickedness, and calamitous consequences, I think, must decrease, upon a contemplation of the subject.

Picture in your imagination a family wealthy, respectable, and happy; whose hopes are concentrated in an only child. At first it was the pledge of their mutual love; then their play-thing in a leisure hour; afterwards it puts off childish airs, and retains nothing but her infant innocence; an innocence that might adorn an angel's mind. At this crisis, what are the feelings of the parents? Their "being's end and aim," their every effort, their every care, like the radii of a circle, tend to her as a central point, to which all their views are directed, and from which all their happiness proceeds. They look forward, with tender solicitude, to the hour which shall unite her in the silken bonds of matrimony, to a person respectable, virtuous, and worthy as herself. The time is fast approaching. A young gentleman from a neighbouring town solicits her attention. His person such as a virgin might dream of, notwithstanding the purity of her mind; his understanding marked with that energy and subtilty, which, if rightly directed, would "stem the torrent of a downward age." By the dignity of his deportment he wins her confidence; he breathes in her ear the liquid music of love. Simple, ardent, and unhackneyed in the ways of affectation, she reciprocates his endearing expressions by the beaming intelligence of her eye. Watching the crisis of her passion, with a vigilance and penetration, that might grace a better cause, he paints in vivid colours the exstacy of connubial caresses. Her mind, formerly unruffled as the "mantling pool," is now the alembick of passion. Cool prudence is dethroned, by the crazy attacks of a heated mind; and her tears and heaving breast are the signals to the villain. Her reliance upon his honour is now the only anchor of her hope. She calls upon him to renew his protestations, and fulfil his vows: surfeited by the delicious luxuries of the banquet, he smiles at her simplicity. The perjured monster quits her with barbarous indifference, and leaves with her a memento of his villany and her fatal imprudence; an imprudence not the offspring of a vicious mind, but of passion, and unlimited confidence in the virtue of others. Her parents lament her untimely fate: with her they indulge in all the luxury of grief; their hopes are blasted; their idol is no more; they anticipate with pleasure their exit from a world of wo; their grey hairs shall sink down in sorrow to the grave.

HORTENSIUS.

For the Port Folio.

MR. OLDSCHOOL,

In turning over the pages of Mr. Gifford's Juvenal, I found among the notes appended to that chaste production, the following happy translation of a passage of the Bacchides of Plautus; by that elegant scholar and just critic, which struck me, as being appositely appropriate and justly descriptive of that decadence of respect for the instructors of our youth, that so eminently characterizes the present generation: If Mr. Oldschool should be of a similar opinion, I should be much pleased by seeing it inserted in the Port-Folio.

Yours, &c.

T.

Time was, a tutor was obey'd, and fear'd,
'Till youth grew fit for office: now, alas!
Let him but chide a child of seven years old,
And the brat flings the tablets at his head—
You hasten to his father, and complain:
And what redress? aha! old Bumbrusher,
You see my boy here can defend himself,
So touch him at your peril. Thus aveng'd,
You hang your ears in silence, and sneak home,
With your cracked pate beplaistered and bepatch'd,
Like an old paper lantern!—

For the Port Folio.

Original letter of Mrs. Montagu to Mrs. W.B.

From the Censura Literaria.

Chaillot, Sep. 19, 1766.

Dear Madam,

I had the pleasure of receiving your obliging letter from the hands of a very lively polite French lady. Who she is I cannot learn, for, at Paris, every body does not know every body, as at London. Miss G—— and I were going to step into the coach with an intention to pass one night at Paris; but I changed my scheme, and insisted on Madame C—— staying the evening; she had travelled a great deal, and is very amusing. I have called twice at her door, but did not find her at home; she wrote me a very obliging note, to express her regret. I do not know whether I mentioned to you that I was disgusted with the noise and dirtiness of an hotel garni. I had the best apartments in the best hotel at Paris. In my drawing room I had a fine lustre, noble looking-glasses, velvet chairs; and, in my bed-chamber, a rich bed with a superb canopy. Poets and philosophers have told us that cares and solicitudes lurk under rich canopies, but they never told us, that at Paris, les punaises lie concealed there; small evils, it may be said; but I assure you as incompatible with sound sleep as the most formidable terrors or the wildest dreams of ambition. I did not rest well at night, and, in the day, for the few hours I was chez moi, I did not enjoy that kind of comfort one feels at home; so I was determined to have an habitation quite to myself. I got a pretty small house at Chaillot, with the most delightful prospect; it was unfurnished, so I hired furniture. I had not brought house-linen, but I found a Flemish linen-draper; then I composed my establishment of servants; I have, of English, French, Italians, Germans, and Savoyards; they cannot combine against me, for they hardly understand one another, but they all understand me, and we are as quiet and orderly as possible. I was not ten days, from the time I hired my house, before I inhabited it. I made use of it at first as an house to sleep in at night, and to visit from in the day, but I soon found out that it was a house in which one might dine and ask others to dinner. I got an excellent cook, who had lived with the Prince of Wirtemburgh, and have since had duchesses, and fine ladies, and learned academicians, to dine with me; and I live à la mode de Paris, as much as if I was a native. I have usually only a pair of horses; but when I go to visit, or any where at a distance, the man of whom I hire them furnishes me with six and a postilion, so that I have all manner of accommodations.

I placed the boys and Mr. B—— at a French school, half a quarter of a mile from hence, where they have an opportunity of talking French all day, as well as learning it by rule. If they had been here, the boys must have been continually with servants, for my nephew being too old for a plaything, and not yet a man, it would have been impossible to have introduced him into company. A little child is the prettiest of animals, but of all companions, to be sure, a human being, before it is at years of rational discourse, is the worst, except to those who have a parental affection for them; and though I think it no shame to own I have a wonderful delight in my nephew, whom I have, in a manner, brought up, I should be very absurd to expect other people should take more pleasure in my nephew than I do in their nephews; nor do I think the conversation of mixed society very good for children. Things are often thrown out in a careless imperfect manner, so as to be very dangerous to young minds; as indigested food fills the body, indigested opinions do the mind, with crudities and flatulencies, and, perhaps, there is not any place where a young person could be in more danger of being hurt by society than at Paris. Till I had conversed so intimately with the French I did not imagine they were so different from us in their opinions, sentiments, manners, and modes of life, as I find them. In every thing they seem to think perfection and excellence to be that which is at the greatest distance from simplicity. I verily believe that if they had the ambrosia of the gods served at their table, they would perfume it, and they would make a ragout sauce to nectar; we know very well they would put rouge on the

cheek of Hebe. If an orator here delivers a very highly adorned period, he is clapt; at the academy, where some verses were read, which were a translation of Homer, the more loud the applause; at their tragedies an extravagant verse of the poets and an outrageous action of the actor is clapped. The Corinthian architecture is too plain, and they add ornaments of fancy. The fine Grecian forms of vases and tripods they say are triste, and, therefore they adorn them. It would be very dangerous to inspire young persons with this contempt of simplicity before experience taught choice or discretion. The business of the toilette is here brought to an art and a science. Whatever is supposed to add to the charm of society and conversation is cultivated with energy. That style of writing or conversation is the best that is always the most brilliant. This kind to a stranger who considers every object that presents itself as a sight and as a spectacle, I think would grow painful, if perpetual. I do not mean to say, that there are not some persons and some authors who, in their conversation and writings, have a noble simplicity, but, in general, there is too little of it. This taste of decoration makes every thing pretty, but leaves nothing great. I like my present way of life so well, I should be glad to stay here two months longer, but to avoid the dangers of a winter sea and land journey I shall return, as I intended, the first week in October.

I had a very agreeable French lady to dine with me to-day, and am to dine with her at Versailles on Sunday. As she is a woman of the bed-chamber to the queen, she was obliged (being now in waiting) to ask leave to come to me; the queen, with her leave, said something very gracious concerning the character of your humble servant. The French say so many civil things, from the highest of them to the lowest, I am glad I did not come to Paris when I was young enough to have my head turned.

We are going to sup with a most charming Marquise de Dufants, who being blind, and upwards of four-score, is polite and gay, and I suppose we shall stay till after midnight with her. I hope to contrive to get a peep at you in my journey through Kent.

Miss G—— desires her best compliments. I have sent you a copy of Voltaire's saucy letter on a translation of Shakspeare appearing at Paris; he was very wroth. Mr. Le Tournern, whom he abuses, is a very modest ingenious man. Voltaire is vexed that the French will see how often he has stolen from Shakspeare. I could have sent you some very pretty verses that were made on your humble servant and Miss G——; but I think satire is always more poignant than praise, and the verses on us were high panegyric.

I am, Dear Madam,
Your most affectionate Sister and Friend,
and faithful humble Servant,
E. MONTAGU.

VARIETY.

The following avowedly hasty production, was delivered at the New-Theatre on the night of Mr. Holland's benefit, during the exhibition of his picture of the siege of Derne:

When first this clay the Forming Hand
Touch'd with its own ethereal fire,
For this was given the magic Lyre,
And, with the boon, this high command,

That still, to every virtue true,
Its varied sounds, or sweet or strong,
Should to the Brave and Good give homage due
And swell for these alone the soul-enthralling song.

Nor less the Pencil's wond'rous art,
Enjoin'd to play this nobler part;
Enjoin'd, through every age, to trace
The Worthies of the human race,
On Valour's head to place unfading wreaths,
While all is glory round, and all the canvass breathes.

Captives forlorn,
From wives and children torn,
On a far-distant shore,
Columbia's sons barbarian fetters wore:

To EATON's hand Columbia trusts her cause;
His righteous sword the warrior draws;
Swift on her foes she sees her thunders hurl'd,
(The thunders of a New-born World):
His gallant march the Chief pursues, and saves
His groaning brethren from the gripe of slaves.

Such scenes, to-night, with patriot warmth portray'd,
To grace our stage, the Painter has display'd;
Here, to your eyes the zealous artist shows
How toil'd your heroes, and how fell your foes;
How generous EATON, in his country's might,
For You and Freedom dar'd the mortal fight;
Shows how O'BANNON, brave among the brave,
Taught Moors to dread the White Men of the wave:
Undaunted SPENCE! for thee the colours flow;
For thee, DECATUR, still they warmer glow!

O Freemen! cherish the diviner arts,
Friends of your rights, and tutors of your hearts!
Bright in her charms, let Virtue beam in view;
Lov'd be the substance, lov'd the picture too!
So shall your Youth to honest deeds aspire,
So shall your Country catch the glorious fire;
So shall your Vet'rans, in each grateful breast,
Find the best Sweet'ner of the Soldier's rest;
So shall this Land, to Independence dear,
Nor foreign nor domestic tyrant fear.

ORIGINAL POETRY.

ANACREONTIC.

When May-day with rosy mien,
Day of days the blushful queen,
Dancing 'midst the sportive hours,
Breathing fragrance, crown'd with flow'rs,
Scattered o'er the verdant hills,
And along the rushy rills,
Lucid rills that murmuring swell,
Cowslips, pinks, and asphodel,
In the corner of my grove,
I've an altar rais'd to Love,
Love, the sweet, the darling boy,
King of kisses, god of joy!
Round his altar roses grew,
Blushing roses gemm'd with dew,
Flowery myrtles blossom'd there.
Breathing odours through the air;
In whose branches amorous doves
Chose their mates, and woo'd their loves,
Murmuring oft their tender tale,
Soft as harps that court the gale,
Oft, too oft, at rising day,
While with Thetis Phœbus lay,
Or when first his darting beams,
Streak'd the East with crimson gleams,
I around the altar sung,
Round it flowery garlands hung,
Sung devout a Sapphic lay,
Hung the sweetest flowers of May.

Vain! ah, vain the vows I paid!
Vain the sacrifice I made!
Cruel Love! ungrateful child!
First awhile propitious smil'd,
But a moment soon he chose,
Pregnant with unnumber'd woes,
And within my thoughtless heart
Deeply plung'd a poison'd dart!
Now, desirous but to die,
Stretched in burning pangs I lie;
I am haughty Celia's scorn,
I am hopeless and forlorn,
Celia! of the virgin train
Fairest, ficklest, and most vain!

Thus a shepherd sells his fields,
And a costly vessel builds,
Quits his peaceful cot, and sheep,
And is launch'd upon the deep;
Ah! not long his wanton sails
Swell their breasts to temp'rate gales,
Soon the sky is wrapt in glooms,
And the sire of tempests comes;
On the waves a moment tost,
Down he sinks, forever lost!
Doom'd to see his native shore,
Sheep, and cot, and peace no more!

TO SERENA,

WITH A ROSE-BUD.

For thee, sweet Girl, it was for thee
This flow'ret left its parent tree;
A happy wand'rer it hath stray'd,
With *thee* to linger and to fade,
One blissful moment to be prest,
Then smile, and droop and—perish on thy breast.
Trust me, did Heav'n the pow'r supply,
The truant blossom would not die;
But dwelling on thy bosom fair,
'Twould ever bloom uninjur'd there.
Oh that the flow'ret's fate were thine,
And *thou*, the *little truant*, mine!
'Tis whisp'ring love that points thy way,
And love will shield thee from decay;
From the weak form he'll brush the damps of night,
And rear the infant tendril to the light.
For, though the *flow'r may* droop and die,
Transported from its parent sky,
Immortal verdure waits the charms
Of beauty in a lover's arms.

LODINUS.

Philadelphia, April 5th.

EPIGRAMS.

On the report of the Royal family of France being taken in their flight to Varennes, by the King's stopping to drink a bottle of Burgundy.

Sire, said the anxious Queen, for God's sake think,
What it may cost us, if you stop to drink.
Ma'am, quoth the King, and tost a bumper down,
You know it cannot cost above a *crown*.

Young Corydon, a forward blade,
The offspring of a 'squire,
Address'd a lovely blooming maid
Whose father was a dyer.
"A dyer's daughter!" cries his dad,
What, marry her! O fie!"
Why not, sir, says the honest lad;
You know we all must *dye*.

A frigid rhymer, tho' an ardent lover;
The reason readily thou mays't discover,
That Phillis with thy passion is not pleas'd;
Thy verse puts out the spark thy love had rais'd.

The Price of the Port Folio is Six Dollars per annum, to be paid in advance.

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